

California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:

City of Corona)	Complaint No. 01-104
P.O. Box 940)	for
Corona, California 91718-0940)	Administrative Civil Liability

YOU ARE HEREBY GIVEN NOTICE THAT:

1. The City of Corona (hereinafter City) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), may impose administrative civil liability pursuant to California Water Code Section 13385.
2. A hearing concerning this complaint will be held before the Board on October 26, 2001 in the City Council Chambers of Corona, unless the City waives its right to a hearing. Waiver procedures are specified in page 5 of this complaint. The City or its representative will have the opportunity to appear and be heard and to contest the allegations in this complaint and the imposition of civil liability by the Board. An agenda for the meeting will be mailed to you not less than 10 days prior to the hearing date.
3. If the October 26, 2001 hearing is held on this matter, the Board will consider whether to affirm, reject, or modify the proposed administrative civil liability or whether to refer the matter to the Attorney General for recovery of judicial civil liability.
4. This complaint is based on the following facts:
 - A. On April 17, 1998, the Regional Board adopted Order No. 98-2, NPDES No. CA 8000383, prescribing waste discharge requirements and producer/user reclamation requirements to the City of Corona.
 - B. Provision K. 4. of Order No. 98-2 states:

This Order expires July 1, 2001, and the discharger must file a Report of Waste Discharge in accordance with Title 23, Division 3, Chapter 9 of the California Code of Regulations not later than 180 days in advance of this expiration date. The Report of Waste Discharge shall serve as the application for issuance of new waste discharge requirements.
 - C. A report of waste discharge for renewal of the City's waste discharge requirements was not submitted until August 7, 2001 (218 days beyond the deadline specified in Order No. 98-2).

- D. Section 13376 of the California Water Code requires the submittal of a report of waste discharge at least 180 days prior to the commencement of an unpermitted discharge. In addition, it prohibits the discharge of wastes "except as authorized by waste discharge requirements".
- E. Since Order No. 98-2 expired on July 1, 2001, the City of Corona has been discharging wastes in violation of Water Code Section 13376 and will continue to do so until new waste discharge requirements are issued by the Regional Board.

5. California Water Code (CWC) Section 13385 (a) states, in part:

"(a) Any person who violates any of the following shall be liable civilly in accordance with this section:

(1) Section 13375 or Section 13376.

(2) Any waste discharge requirements or dredge and fill material permit."

Therefore, The City is liable civilly for violations of CWC Section 13376 and Order No. 98-2.

- 6. In accordance with CWC Section 13385(c), the maximum liability for the violation cited above is in excess of \$2,640,000.
- 7. CWC Section 13385(e) specifies factors that the Board shall consider in establishing the amount of civil liability, including recovery of economic benefits derived from the acts that constitute the violation. The State Water Resources Control Board's Enforcement Policy calls for recovery of staff costs in liability assessments. After consideration of these factors, requirements and policy directives, the Executive Officer proposes civil liability be imposed on the City of Corona in the amount of \$125,000 for the violations cited above.

The Executive Officer further proposes that all but \$15,000 of this assessment be suspended, provided the City of Corona implements two Supplemental Environmental Projects, as follows:

- A. Provide up to \$10,000 worth of water quality laboratory services in support of the Regional Board's effort to develop a TMDL for Reach 3 of the Santa Ana River, during the period of November 1, 2001 to November 1, 2003, as directed by the Executive Officer, and
- B. Expand the City's desalination plant to 15 mgd by January 1, 2004, and operate it at full capacity, thereafter.

8. The City of Corona may waive its right to a hearing in this matter. If the City waives its right to a hearing, you must sign the waiver, which is page 4 of this complaint, and return it with a check payable to the State Water Resources Control Board in the amount of \$15,000. Send the check and the signed waiver to:

Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3339

If you have any questions concerning this complaint, contact the undersigned at (909) 782-3284, Gary D. Stewart, Surveillance and Enforcement Section Chief, at (909) 782-4379, or Jorge Leon, the Board's Staff Counsel, at (916) 341-5180.

Date

Gerard J. Thibeault
Executive Officer

California Regional Water Quality Control Board
Santa Ana Region

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Waiver of Hearing

The City of Corona agrees to waive its right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. 01-104. The City has enclosed a check payable to the State Water Resources Control Board for the \$15,000. The City also commits to implementing the Supplemental Environmental Projects (SEP) discussed in paragraph 7 of this complaint. The City of Corona understands that the full civil liability in the amount of \$125,000 must be paid if the SEPs are not implemented as directed. The City of Corona also understands that it is giving up its right to be heard and to argue against the allegations made in Complaint No. 01-104, and against the imposition of, and amount of, civil liability.

Date

for the City of Corona